

REMARKS

The present remarks are in response to the Office Action dated March 6, 2008, in which the Examiner rejected claims 1, 3-16, and 25-28. Although the Applicant disagrees with the Examiner's grounds for rejection, the Applicant has amended claims 1, 11 and included new claims 29 and 30 to expedite the prosecution of this patent application. In view of the recent claim amendments, the Applicant requests the Examiner place all claims detailed in the application in a state of allowance. No new matter has been added.

A. Claim Limitations and New Claims

The Applicant has amended independent claims 1 and 11 to include limitations directed to enabling the interface engine on a client side. Support for these limitations is provided *inter alia* in Figure 2, Figure 3, and Paragraphs 0039-0041 and 0044-0045.

Additionally, the Applicant has amended independent claims 1 to include limitations directed to defining functions for a chat room that corresponds to the webpage with the interface engine on the client-side, wherein the interface engine associated with each client is communicatively coupled to a chat server that is on a server-side. Support for this limitation is provided *inter alia* in Figure 2, Figure 3, and Paragraphs 0039 and 0044-0045. Independent claim 11 has also been amended to include similar limitations.

New claims 29 and 30 include limitations directed to the user interacting in the chat room and communicating using a graphical chat bubble. Support for the chat room bubble is provided *inter alia* in Figure 1, Figure 3 – Figure 4, Figure 7 - Figure 8, and Paragraphs 0044, 0046, and 0050-0051.

B. Obviousness Rejection (35 USC Section 103(a))

The Examiner has rejected claims 1, and 3-16 under 35 U.S.C. 103 (a) as being unpatentable over by Chesley et al., (U.S. Patent 7,065,553) hereinafter "Chesley" and in view of Gudorf et al., (U.S. Patent 7,140,045) hereinafter "Gudorf."

The Applicant respectfully disagrees with the Examiner's grounds for rejection for the reasons stated below.

The Examiner relied on Chesley at col. 3: lines 1-22 and col. 1: lines 45-67 to support the Examiner's obviousness rejection for the amended claims that recite: compiling a script that is compiled into a compact byte-code representation that is optimized for low bandwidth clients that is inserted onto the text of a webpage enabling low bandwidth clients to interact with an immersive virtual world; and enabling an interface engine corresponding to each client to interpret the byte-code representation.

The Applicant respectfully submits that Chesley fails to teach compiling a script into compact byte-code representations that are optimized for low bandwidth clients enabling low bandwidth clients to interact in an immersive world. Thus, the Applicant respectfully submits that the paragraphs identified by the Examiner fail to teach each element of the claim – which is required to satisfy the elements of a prima facie obviousness rejection. Additionally, the Applicant respectfully submits that Chesley actually teaches away from the Applicant's solution.

Recall, the Examiner bears the initial burden for presenting a prima facie case of unpatentability. MPEP 2106 citing *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992), pp 2100-13. Additionally, as stated by the MPEP at 2142:

The key to supporting any rejection under 35 U.S.C. 103 is the **clear articulation of the reason(s) why the claimed invention would have been obvious**. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the **analysis supporting a rejection under 35 U.S.C. 103 should be made explicit**. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, **there must be some articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval). See MPEP 2100-127, 128 (emphasis added).

Applicant respectfully submits that Chesley fails to teach *inter alia* compiling a script into compact byte-code representations that are optimized for low bandwidth clients that is inserted into the text of a web page enabling low bandwidth clients to

interact in an immersive world and enabling an interface engine corresponding to each client to interpret the byte-code representation. Applicant respectfully submits that there is no reference in Chesley for compiling a script into compact byte-code representations that are optimized for low bandwidth clients.

Chesley at col. 3: lines 1-22 is related to describing an "implementation" where each active presentation element has a one-to-one relationship with an interface object; this allows "different implementation technologies to be used for functional and representational items (e.g. scripting or C++ for function, and DHTML for representation)." At col. 1: lines 45-67, these paragraphs are related to text-based multi-user worlds (MUDs) on **a central server** that is accessed with a client. Additionally, Chesley states that a MUD would require "significantly greater server processing power **and significant network bandwidth** as well" (emphasis added).

Note, no reference is made in Chesley to "low bandwidth", "interface engine" and/or "byte codes" and the Examiner has not articulated how Chesley teaches these elements. Thus, Applicant respectfully submits that the Examiner has not satisfied the prima facie obviousness requirements. Additionally, the Applicant respectfully argues that Chelsey's reference to "significant network bandwidth" teaches away from Applicant's low bandwidth clients.

The Examiner also rejected claims 25-28 under 35 U.S.C. 103 (a) as being unpatentable over Chesley in view of Gudorf and further in view of Murakami et al., (U.S. Patent No. 6,978,292) hereinafter "Mura." The Examiner refers to Mura at col. 4: lines 17-53 where "**a decision means** that instructs the chat system to expel a chat device that sent a message from a virtual space" (emphasis added).

Applicant respectfully submits that the Mura's "decision means" is not similar to Applicant's claimed filtering tool to filter a list of blacklisted words and a log containing the blacklisted words. As stated by the MPEP at 2143 some exemplary rationales that would support an obviousness rejection and a clear articulation being made explicit include:

Exemplary rationales that may support a conclusion of obviousness include:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;

- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) "Obvious to try" – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art;
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

Applicant respectfully submits that a "decision means" does not rise to the standard of a combination of prior art elements, a simple substitution, reference to a known technique, applying a known technique, obvious to try, know to work, or part of the TSM rules to one of ordinary skill in the art. Simply put, a "decision means" is not a filtering tool to filter a list of blacklisted words and a log containing the blacklisted words.

Regardless, in order to expedite the prosecution of this patent application, the Applicant has amended independent claims 1 and 11 to include new claim elements. The first set of claim elements are related to compiling a script into a compact byte-code representation optimized for low bandwidth clients that is inserted into the text of a webpage, enabling low bandwidth clients to interact with the immersive virtual world and enabling an interface engine on the client-side corresponding to each client to interpret the byte-code representation. The Applicant has made this distinction to more clearly distinguish the Applicant's claims from Chesley.

Chesley relies on a ShowItem presentation element object 134 in a ShowRoom object 132 that is presented from server 74 to multiple client computers; interface objects 136 are on each client. See Chelsey Figure 6 and Col. 11-12. Chelsey does not teach or suggest Applicant's claim elements of *inter alia* compiling a script into byte-code representation optimized for low bandwidth clients and enabling an interface engine on the client-side corresponding to each client to interpret the byte-code representation.

Applicant's claim language is directed to constructing a scripting language that compiles into compact byte-code representation of specific behaviors, so that that instead of sending 600 to 4000 bytes of Java Class files, there are about 60

bytes of the compact byte-code representation. In operation, the script is compiled on the server side into compact-byte code representation, and those compact bytes are actually delivered to the client. The Applicant respectfully submits that this order-of-magnitude decrease, from 600-4000 bytes to 60 bytes, in the amount of information that has to be sent to each chat room would not have been obvious to one of ordinary skill in the art and is not described in the prior art.

The Examiner's Action also relies on Chelsey at col 3: lines 1-22 and col 1: lines 45-67 to describe using a scripting language such as DHTML to overcome the limitation of low bandwidth limitations. See Examiner's Action, Page 3. Applicant respectfully disagrees that DHTML could be used to replace the Applicant's Java applet and compact byte-code systems.

Firstly, DHTML and JavaScript do NOT provide the flexibility of Java to make persistent socket connections back to the chat server; instead they require continually polling the chat server with hundreds or thousands of sequential socket connections that use significantly more bandwidth and are always slower than a persistent Java socket connection. Secondly, the DHTML and JavaScript are NOT optimized for the download size; DHTML and JavaScript are interpreted languages, not compiled languages, and the full source code must be sent to the client, which then compiles and executes the script. Thirdly, DHTML and JavaScript are general purpose object oriented languages and are much less efficient than Applicant's custom-designed support for Applicant's virtual world.

Additionally, Chesley, Gudorf, Mura, and the combination thereof fail to teach a chat room, a chat server, defining the functions of the chat room with the interface engine, communicatively coupling the interface engine on the client-side with a chat server on the server side, and defining the functions of a chat room that corresponds to the webpage with the interface engine on the client-side wherein the interface engine associated with each client is communicatively coupled to a chat server that is on a server-side.

Furthermore, with respect to new claims 29 and 30 the Applicant has included limitations directed to the user interacting in the chat room using graphical chat bubbles. The Applicant respectfully submits that Chesley, Gudorf, Mura, and the

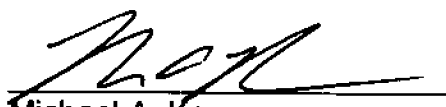
combination thereof also fail to teach the user interacting in the chat room using graphical chat bubbles.

C. Conclusion

In view of all of the foregoing, claims 1, 3-16, and 25-30 overcome the prior art rejections and are now patentably distinct and in condition for allowance, which action is respectfully requested.

Respectfully Submitted

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